IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NOs : 5445 and 5446 of 2005

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WRIT PETITION NO. 5445 OF 2005

Between:

The Bhimadole Town Hall, A Club Registered No.434, of 1986 under Societies Registration Act, rep., by its Secretary, Sri Alluri Nagapurna Chandra Vara Prasada Rao, s/o A.Gopala Rao, age 50 years,

r/o Bhimadole, West Godavari District.

..... PETITIONER

AND

1 The Deputy Inspector General of Police, Eluru Range, Eluru, West Godavari District.
2 The Principal Secretary, Department of Home Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent authorities in asking the petitioner club not to allow its members and their guests of play the game of rummy for stakes as arbitrary, illegal, null and void and further direct the respondents and their subordinates or any other authority, not to interfere with the legitimate activities of the petitioner association and its members, and their guests including the playing of the cards game rummy with stakes in the petitioner's club premises and in the event of visit of the club premises they shall do so with the assistance of any Executive Magistrate of the Town, to pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondents: GP FOR HOME

WRIT PETITION NO : 5446 of 2005

Between:

The Eluru Club, Registered No. 11/50, Eluru under Societies Registration Act, rep by its President Sri Mavuleti Soma Raju, S/o. M. Mallappa Raju,

aged 50 years, R/o. Eluru, West Godavari District.

..... PETITIONER

AND

1 Deputy Inspector General of Police, Eluru Range, Eluru, West Godavari District
2 The Principal Secretary, Department of Home, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent authorities in asking the petitioner club not to allow its members and their guests to play the game of rummy for stakes as arbitrary, illegal, null and void and further direct the respondents and their subordinates or any other authority, not to interfere with the legitimate activities of the petitioner association and its members, and their guests including the playing of the cards game rummy with stakes in the petitioner's club premises and in the event of visit of the club premises they shall do so with the assistance of any Executive Magistrate of the Town, to pass such other order or orders as may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following :

***COMMON ORDER*:**

Since the cause of action for filing these two writ petitions is one and the same and since the respondents in both the writ petitions are also one and the same, these two writ petitions are being disposed of by this common order.

Heard. Perused the material placed before me.

The common grievance of both the petitioners in these two writ petitions is that the respondents are interfering with the lawful activities of their respective clubs. Further, the respondents are

insisting the petitioners not to allow their members to play Rummy, a game, which is permitted one.

In this regard, it is to be seen that in catena of judgments, the Supreme Court as well as this Court declared Rummy as a game of skill but not as a game of chance.

Hence, the respondents are directed not to interfere with the lawful activities of the petitioners. However, it is made clear that if any unlawful activity is complained against the petitioners and is brought to the notice of the respondents, the same can be verified and further action can be initiated against the petitioners in accordance with law.

With the above observations and directions, the writ petitions are closed, at the stage of admission. No costs.

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kvsn 18-03-2005

To

1 Deputy Inspector General of Police, Eluru Range, Eluru, West Godavari District.

2 The Principal Secretary, Department of Home, Secretariat, Hyderabad.

3 Two CCs to GP for Home, High Court buildings, Hyderabad.

4 Two CD copies.